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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/545,194	08/11/2005	Man-Yop Han	H05950.0026/P026	9959
24998 7590 12/18/2009 DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403				
EXAMINER				
BRADFORD, CANDACE L				
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
12/18/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/545,194

**Applicant(s)**

HAN, MAN-YOP

**Examiner**

CANDACE L. BRADFORD

**Art Unit**

3634

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Jackson (3237717) and in further view of Inoue (3710578). Hosaka discloses a tendon 6, a prestressed wale 2, comprising a plurality of tendon supports 10, as best seen in Figure 3 in contact with the tendon, in a middle portion of said wale, a tendon-anchoring unit 7, at both ends of said wale, and a connecting brace 3, for connecting said supports and said tendon-anchoring unit, as best seen in Figures 2 and 3, but fails to disclose triangular tendon supports and a strut constituted by a truss or a plurality of H-beams or an H-beam having a large cross section and supporting said tendon-anchoring unit. Jackson teaches the utility of a triangular tendon support 24, in contact with a tendon 30, as best seen in Figures 3 and 4. The use of triangular tendon supports is commonly used in the art to provide a wide base to support the tendon. Inoue teaches the utility of struts 11, 12, 18 used to give additional support to a shoring apparatus. Therefore, it would be obvious to one of ordinary skill in the art to provide the shoring apparatus of Hosaka with triangular tendon supports and shoring struts as taught by Jackson and Inoue respectively so as to provide a wide base to support the tendon and give additional support to a shoring apparatus.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Jackson (3237717) and in further view of Inoue (3710578). Jackson further discloses the system as defined in claim 1, wherein said triangular tendon support 24, is constituted by a vertical member and inclined member or only by vertical members, or only by inclined members 56, for forming a triangle and supporting said wale, as best seen in Figure 4.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Jackson (3237717) and in further view of Inoue (3710578). Inoue further discloses the support of a frame for earth retaining, comprising a pile 25 and a support beam 18. The use of piles and beams are commonly used in the earth retaining art to provide a stable support and barriers for workers. Therefore it would be obvious for the shoring apparatus to be equipped with piles and beams so as to provide a stable support and barriers for workers.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Jackson (3237717) and in further view of Inoue (3710578). Hosaka further discloses the system as defined in claim 1, wherein said tendon-anchoring unit 7, fixes a tendon and couples with said wale 2, for applying the compression force and further couples with said inclined member or vertical member 10, for supporting the generated force.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Jackson (3237717) and in further view of Inoue (3710578). Hosaka further discloses the system as defined in claim 4, wherein said tendon-

anchoring unit forms an isosceles triangle, as best seen in Figure 1, by using frame materials, the corner of said isosceles triangle is reinforced by a reinforcing member, wherein said tendon 6, is fixed at one corner of said isosceles triangle and a member facing said corner is directly connected to a truss strut or through a hydraulic jack 12 or a screw jack, and the portion connected with said wale has a length adjusting function, as best seen in Figure 3.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Jackson (3237717) and in further view of Inoue (3710578). Hosaka in view of Jackson in further view of Inoue fails to disclose an anchoring unit forming a trapezoid. It should be noted that the shape of the anchoring unit is strictly design choice, and can be changed as the components of the units are positioned as desired by the user, as best seen in the applicant's Figures 8a and 8b.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoe (3710578). Hosaka further discloses the system as defined in claim 4, wherein said tendon-anchoring unit may be provided with an inclined or vertical strut, a tendon 6, entered from one side of said tendon-anchoring unit is fastened at an opposite side, a single wale 2, or a double wale may be supported by said tendon-anchoring unit, as best seen in Figure 3, and said tendon-anchoring unit is equipped with a screw jack 12, or a precedent load jack having a length adjusting function

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoe (3710578). Hosaka further discloses a scaffolding system

forming a polygonal closed section only by using a prestressed wale 2, comprising a plurality of triangular tendon supports in the middle portion, a tendon-anchoring unit at both ends of said wale, and a connecting brace 3, for connecting said supports and said tendon-anchoring unit, as best seen in Figure 1

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoe (3710578). Hosaka further discloses the system as defined in claim 8, wherein said tendon-anchoring unit is a corner anchoring unit and is designed to be connected with said wale 2, and to fix a tendon at both sides of said corner.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Candace L. Bradford  
Patent Examiner  
Art Unit 3634

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December 1, 2009

/Alvin C. Chin-Shue/  
Primary Examiner, Art Unit 3634